

Appl. No. 10/517,279
Amdt. Dated October 30, 2007
Reply to Office Action of July 2, 2007
Our Docket No. 7630-101

Filing date: November 15, 2004
Applicant Name: HIROYASU KAWADA
Examiner: Aaron C. Piggush
Art Unit: 2838

REMARKS/ARGUMENTS

As an initial matter, the Examiner is thanked for the courteous telephone interview conducted on October 10, 2007, the substance of which is reported in the Interview Summary sent by the Examiner on October 12, 2007 and which is incorporated herein by reference.

Claims 1, 4, 5, 7-9, 12, and 29 - 32 are pending. Claim 1 has been amended to the recess on the top of the lid to have an area greater than the at least one auxiliary terminal and to have a closed side wall having an upper peripheral edge connected to a top surface of the lid. Claims 31 and 32 have been added calling respectively for at least one auxiliary terminal to be located within the recess, and wherein the majority of the top of the lid is flat.

The rejection under 35 U.S.C. § 103(a) (1) of claims 1, 4, 5, 7 - 9, and 29 as being unpatentable over Carter US 5,877,609 (Carter) in view of Mawston US 5,866,274 (Mawston) and Lopez-Doriga US 4,634,642 (Lopez-Doriga), (2) of claim 12 as being unpatentable over Carter, Mawston, and Lopez-Doriga as applied to claim 1 further in view of Hwa US 6,121,750, and (3) of claim 30 as being unpatentable over Carter, Mawston, and Lopez-Doriga as applied to claim 1 further in view of Joko US 5,939,861, are all respectfully traversed.

In view of the amendments, it is submitted that Carter cannot be deemed to suggest amended claim 1, and is even further from new claims 31 and 32. The following will further comment on particular claims in which additional distinctions are evident.

Specifically with respect to claim 1

The Examiner considers that Carter discloses that the lid has on its top a recess (the holes into which the auxiliary connections are placed or screwed into are recesses and it is implied that there are further recesses included in the top so that the main terminals can make contact with the internal cells of the battery, while the sides of the top of the battery are also recessed in between the main terminals as seen in Fig. 2). However, the recess of Carter is formed not on the top but on the connection portion. Carter neither teaches nor suggests the arrangement in which the auxiliary terminal is disposed in the recess or where the recess has an upper peripheral edge connected to a top surface of the lid.

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Specifically with respect to the claim 4

The Examiner states that Carter does not expressly disclose wherein the protruding end of the connection portion is embedded in resin filled and cured in the recess, or wherein said at least one auxiliary terminal is exposed on the surface of said resin, but Lopez-Doriga discloses this structure. As judged in the previous Office Action, the portion 7 as shown in Fig. 7 of Lopez-Doriga is considered as being embedded in a resin which is filled and cured in a recess. Respectfully, this is not a proper analysis of the reference. Specifically, the portion 7 is actually embedded inside of the lid, in this respect, claim 4 of the present application recites the resin which is not a resin constituting the lid, but a resin which is newly supplied. Hence, the resin different from the resin, which constitutes the lid, is filed and cured in the recess. Thus, the subject matter of claim 4 of the present invention is different in structure from Lopez-Doriga, and therefore the rejection on claim 4 due to the lack of the non-obviousness is believed to be unwarranted.

Specifically with respect to claim 8

The Examiner states that Carter does not disclose the feature of claim 5, but Lopez-Doriga discloses it. Based on this understanding, the Examiner considers that claim 8 is obvious. However, as we previously argued, a portion 7 in Fig. 3 is not obliquely oriented like in the present invention. As disclosed in the specification of the present application, the present invention has the advantages of preventing a phenomenon in which electrolyte moves upward through the surface of the connection portion, dispersing the force applied to the monolithical part, thus preventing the deformation of the bushing, the connection member and the like. The Examiner did not accept this argument, but respectfully it appears that the Examiner considered diagonal lines drawn in the proximal end of the portion 7 in Fig. 7 to show this feature. However, the shape of the proximal end of the portion 7 of Lopez-Doriga is different from the portion of the proximal end of the present invention.

The Commissioner is hereby authorized to charge payment of any fees required associated with this communication or credit any overpayment to Deposit Account No. 50-3881. If an extension of time is required, please consider this a petition therefor and charge any additional fees which may be required to Deposit Account No. 50-3881. A duplicate copy of this paper is enclosed.

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Dated: October 26, 2007

Respectfully submitted,

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